

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL BUCHANAN,)	
)	
Plaintiff)	
)	No. 3:15-0051
v.)	Judge Trauger/Bryant
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

Plaintiff Michael L. Buchanan, who is proceeding *pro se* and *in forma pauperis*, has filed his complaint appealing the denial of Social Security benefits (Docket Entry No. 1).

On April 6, 2015, the undersigned entered an order requiring Plaintiff to file a motion for judgment on the administrative record and a supporting brief within 30 days after entry of the order (Docket Entry No. 13). This order contained detailed instructions about the required contents of the supporting brief.

After Plaintiff failed to file his motion and brief as ordered, the undersigned Magistrate Judge on January 8, 2016, issued an order requiring Plaintiff to show cause on or before January 25, 2016, why his complaint should not be dismissed for his failure to comply with the order of the Court requiring his filing of his motion and supporting brief.

Plaintiff Buchanan filed a response to this order on January 25, 2016 (Docket Entry No. 19). In summary, Plaintiff's response requests that his case not be dismissed, argues that he needs Social Security benefits, and concludes with "if you need any information from me please contact me by phone or mail."

Although Plaintiff Buchanan did respond to the order to show cause, his response, even if liberally construed, cannot remotely be considered to be his motion for judgment on the administrative record and supporting brief. Moreover, Plaintiff has not requested additional time within which to file his motion and brief.

For the reasons stated above, the undersigned finds that Plaintiff's complaint should be dismissed for his failure to comply with the order of the Court requiring the filing of a motion for judgment on the administrative record and a supporting brief.

RECOMMENDATION

For the reasons stated above, the undersigned recommends that the complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for his failure to comply with the order of the Court.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 4th day of February 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge